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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Application of:

McKeon et al.

Application No: 09/538,106

Filed: March 29, 2000

For: *Cell Regulatory Genes, Encoded
Products and Uses Related Thereto*

Examiner: Yaen, Christopher H.

Art Unit: 1642

Attorney Document No.: HMV-038.02
(19788-038.02)

P#16

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on: September 6, 2002.

Terrill WilliamsCommissioner for Patents
Washington, DC 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97 (c)

Sir:

Submitted herewith on Form PTO-1449 is a list of publications known to Applicants and/or their Attorney/Agent in compliance with the requirement of 37 C.F.R § 1.56. A copy of each publicly available document is also being submitted herewith.

Applicants have cited for the Examiner's consideration certain issued U.S. patents and co-pending U.S. patent applications that are owned at least in part by the assignee of this application, that describe subject matter related to the present invention. The co-pending applications are listed herewith in accordance with M.P.E.P. 609 III.D which states: "Applicants may wish to list U. S. patent application numbers on other than form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

No copies of the co-pending applications have been provided. If the Examiner wishes to have copies of the co-pending applications, Examiner should contact the Attorney of record.

| Our Docket No. | S.N. | Filing Date | Title |
|----------------|------------|-------------|---|
| HMV-038.01 | 09/174,493 | 10/15/98 | Cell Regulatory Genes, Encoded Products, And Uses Related Thereto |
| HMV-03803 | 09/529,583 | 04/14/00 | Cell Regulatory Genes, Encoded Products, And Uses Related Thereto |

Applicants note that the submission listed as reference BY in the enclosed PTO-1449 are copies of sequence alignments provided by the Examiner handling the co-pending related application having U.S.S.N. 09/174,439 which is cited in the above table.

Applicants have listed dates of publication on the attached PTO-1449 for the cited documents based on information presently available to the undersigned. However, the listed publication dates should not be construed that the information in the cited documents was actually published or otherwise publicly available on the date indicated.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form 1449.

This submission does not represent that a search has been made or that no better art exists. Nor does it constitute an admission that each or all of the listed documents are material or constitute "prior art." Further, if the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Moreover, the Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

In accordance with 37 C.F.R. §1.97(c)(2) this Information Disclosure Statement is being submitted before the close of prosecution in this application. A check in the amount of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed herewith.

Although Applicants believe that no other fees are due in connection with this submission, the Commissioner is authorized to credit any overpayment or charge any deficiencies to/from our **Deposit Account No. 06-1448**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1770.

Respectfully Submitted,

Date: September 6, 2002

Customer No.: 25181

Patent Group

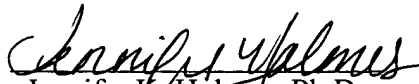
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